

Councilors-at-Large

Mark A. Oram
Michael H. Ossing
Samantha Perlman
Kathleen D. Robey



Ward Councilors

Ward 1 – Laura J. Wagner
Ward 2 – David Doucette
Ward 3 – J. Christian Dumais
Ward 4 – Teona C. Brown
Ward 5 – John J. Irish
Ward 6 – Sean A. Navin
Ward 7 – Donald R. Landers, Sr.

Council President

Michael H. Ossing

Council Vice-President

Kathleen D. Robey

**CITY OF MARLBOROUGH
CITY COUNCIL
MEETING MINUTES
MONDAY, MAY 23, 2022**

The regular meeting of the City Council was held on Monday, May 23, 2022, at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Ossing, Wagner, Doucette, Dumais, Brown, Irish, Navin, Landers, Oram & Perlman. Councilors Absent: Robey. Meeting adjourned at 8:47 PM.

Motion by Councilor Dumais, seconded by the Chair to adopt the following:

ORDERED: That the Minutes of the City Council meeting, May 9, 2022, **FILE**; adopted.

That the CONTINUED PUBLIC HEARING on the Petition from Massachusetts Electric and Verizon New England, to install a new pole and remove the old pole and install underground cable for city work around the pump station on Cullinane Drive, Order No. 22-1008586A, all were heard who wish to be heard, hearing closed at 8:03 PM, adopted.

Councilors Present: Wagner, Doucette, Dumais, Brown, Irish, Navin, Landers, Oram, Ossing & Perlman.

Councilors Absent: Robey.

That the PUBLIC HEARING on the Petition from Massachusetts Electric, to replace three (3) sections of direct buried cable and replace with new primary cable in conduit on Stone Hill Road, Order No. 22-1008596, all were heard who wish to be heard, hearing closed at 8:06 PM, adopted.

Councilors Present: Wagner, Doucette, Dumais, Brown, Irish, Navin, Landers, Oram, Ossing & Perlman.

Councilors Absent: Robey.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: That the Transfer Request in the amount of \$1,422,500.00 which moves funds from the Undesignated Fund to the West Side Fire Station Stabilization Account, **APPROVED;** adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
	DEPT:	Mayor					FISCAL YEAR:	2022		
		FROM ACCOUNT:					TO ACCOUNT:			
Available										Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		Balance
\$11,233,713.00	\$1,422,500.00	10000	35900	Undesignated Fund	\$1,422,500.00	83600	32900	Stab-West Side Fire Station		\$0.00
	Reason:	To transfer mitigation monies to Fire Station Stabilization								
	\$1,422,500.00	Total			\$1,422,500.00	Total				

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: That the Revolving Fund Spending Limits for the Public Safety Revolving Fund, the Parks and Recreation Revolving Fund, the Council on Aging Revolving Fund and the Water and Sewer Revolving Fund for Fiscal Year 2023, referred to the **FINANCE COMMITTEE;** adopted.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: That the Communication from the Mayor, re: Proposed Revision to Fiscal Year 2023 Budget submission, **MOVED TO AGENDA ITEM #22;** adopted.

FROM ACCOUNT:					TO ACCOUNT:				
Available									Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance
\$44,303	\$7,500.00	60081006	55950	East Waste Water Treat Plant	\$15,000.00	60086006	52935	Solid Waste Disposal	\$7,335.00
	Reason:	Excess due to less chemicals purchased				Due to increased sludge volume in March & April			
\$29,542	\$7,500.00	60085006	55980	West Waste Water Treat Plant					
	Reason:	Excess due to less chemicals purchased							
\$40,016	\$24,000.00	14001504	53140	Contract Services	\$50,000.00	11920006	52200	Natural Gas	\$20,905.00
	Reason:	Excess due to use of Parks Maintenance Revolving				Cover natural gas expense thru end of Fiscal Year			
\$72,052	\$26,000.00	14001506	54640	Park Maintenance					
	Reason:	Excess due to use of Parks Maintenance Revolving							
	\$65,000.00	Total			\$65,000.00	Total			

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
Available Balance	DEPT:	Various				FISCAL YEAR:	2022		
	Amount	Org Code	Object	Account Description:	Amount	TO ACCOUNT:	Org Code	Object	Account Description:
\$135,298.63	\$101,352.00	15430006	57710	Veteran's Benefits	\$1,770.00	11330001	50015	Finance Director/Treas	\$15,647.95
	Reason:	Number of veterans down from last year			Reason:	To fund through year end			
\$28,215.38	\$17,000.00	11510001	50172	Asst City Solicitor	\$550.00	11330002	50520	Principal Clerk	\$7,660.02
	Reason:	Prior vacancy			Reason:	To fund through year end			
\$28,215.38	\$1,000.00	11510001	50175	Paralegal	\$580.00	11520001	50530	HR Director	\$14,858.96
	Reason:	Prior vacancy			Reason:	To fund through year end			
					\$692.00	11920001	50690	Foreman	\$10,369.15
					Reason:	To fund through year end			
					\$240.00	12100001	50140	Police Chief	\$29,443.74
					Reason:	To fund through year end			
					\$370.00	14920001	50110	Recreation Director	\$13,160.68
					Reason:	To fund through year end			
					\$145.00	15120001	50220	Sealer of Weights	\$2,149.93
					Reason:	To fund through year end			
					\$480.00	15430001	50080	Veterans Director	\$10,071.60
					Reason:	To fund through year end			
					\$17,000.00	61090001	50740	Equipment Operators	\$97,112.53
					Reason:	To fund through year end			
					\$738.00	61090002	50520	Principal Clerk	\$7,466.95
					Reason:	To fund through year end			
					\$710.00	14001002	50520	Principal Clerk	\$15,382.43
					Reason:	To fund through year end			
					\$533.00	14001002	50550	Head Clerk	\$8,698.97
					Reason:	To fund through year end			
					\$1,465.00	14001303	50740	Equipment Operators	\$133,200.59
					Reason:	To fund through year end			
					\$217.00	60080001	50580	Asst Chemist	\$8,898.24
					Reason:	To fund through year end			
					\$2,755.00	11920001	50680	General Foreman	\$11,967.97
					Reason:	To fund through year end			
					\$124.00	11920001	50292	Bldg Maint Craftsman	\$26,197.46
					Reason:	To fund through year end			
					\$283.00	13032001	50690	Foreman	\$11,756.05
					Reason:	To fund through year end			
					\$14,000.00	11550006	53420	Telephone-City	\$0.00
					Reason:	To fund through year end			
					\$14,000.00	11550006	53421	Telephone-School	\$1,467.92
					Reason:	To fund through year end			
					\$5,700.00	11440004	53999	Other Services	\$448.11
					Reason:	To fund through year end			
					\$57,000.00	11510004	53110	Legal Services	\$10,309.11
					Reason:	To fund through year end			
	\$119,352.00				\$119,352.00				

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
	DEPT:	Mayor					FISCAL YEAR:	2022		
		FROM ACCOUNT:					TO ACCOUNT:			
Available										Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		Balance
\$11,233,713.00	\$28,250.00	10000	35900	Undesignated Fund	\$28,250.00	83600	32918	Stabilization-Open Space		\$519,077.10
	Reason:	To transfer annual wireless antennae payments received by the City in fiscal year 2021 to Open Space Stabilization								
	\$28,250.00	Total			\$28,250.00	Total				

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: That the Transfer Request in the amount of \$1,000,000.00 from the Undesignated Fund to Library Building Renovations to cover unanticipated cost overruns, referred to the **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
	DEPT:	DPW/Facilities					FISCAL YEAR:	2022		
		FROM ACCOUNT:					TO ACCOUNT:			
Available										Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		Balance
\$11,233,713.00	\$1,000,000.00	10000	35900	Undesignated Fund	\$1,000,000.00	30052301	58255	Library Bldg Renovations		\$2,106,061.33
	Reason:	To fund overruns on the Library project								
	\$1,000,000.00	Total			\$1,000,000.00	Total				

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: That the Communication from the Mayor, re: Proposed Water Tank Maintenance Contract pursuant to MGL Chapter 40 §62 and Chapter 30B §12, **MOVED TO AFTER AGENDA ITEM #14**; adopted.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant Acceptance in the amount of \$14,816.90 from the 495/MetroWest Corridor Partnership awarded to Marlborough Economic Development Corporation (MEDC) to be used for a project at Union Common; adopted.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant Acceptance in the amount of \$60,000.00 from the Executive Office of Public Safety & Security and Homeland Security awarded to the Police Department to be used for the beginning phase of body camera/cruiser camera systems; adopted.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant Acceptance in the amount of \$185,000.00 as part of the Fiscal Year 2022 Earmark Funding awarded to the Department of Public Works for various projects throughout the city; adopted.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: That the Grant Acceptance in the amount of \$219,982.00 from Community Compact Cabinet's Municipal Fiber Program awarded to Information Technology to be used to replace BANA copper network lines used for radio communications, referred to the **FINANCE COMMITTEE**; adopted.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant Acceptance in the amount of \$11,835,814.00 for the Coronavirus Local Fiscal Recovery Fund (CLFRF) money with revisions to projects as resubmitted by Mayor Vigeant; adopted.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: That the City Council of the City of Marlborough, pursuant to Massachusetts General Laws Chapter 40, §62 and Chapter 30B, §12, hereby authorize the Mayor to execute a contract, in substantially the form attached hereto, with SUEZ Advanced Solutions/Utility Service Co., Inc. for a term in excess of three years for the inspection, maintenance, repair, modification and asset management of water storage facilities, **APPROVED**; adopted.

Motion by Councilor Doucette, seconded by the Chair to adopt the following:

ORDERED: That the Communication from Solicitor Jason Grossfield, re: Executed settlement agreement in connection with litigation matter of WP Marlborough MA Owner, LLC v. Marlborough City Council (Land Court No. 21MISC000451), **FILE**; adopted.

Motion by Councilor Oram, seconded by the Chair to adopt the following:

ORDERED: That the Communication from Central MA Mosquito Control Project, re: Information on enhanced larval treatment plans for EEE mitigation in 2022, **FILE**; adopted.

Motion by Councilor Landers, seconded by the Chair to adopt the following:

ORDERED: That Application for Renewal of Junk Dealer/Secondhand Dealer License, TVI, Inc., d/b/a Savers, 222A East Main Street, **APPROVED WITH THE FOLLOWING CONDITIONS AND WAIVERS**; adopted.

Conditions

1. The license shall not be transferred without prior review and approval of the City Council.
2. The license hereby granted is issued to TVI, Inc. d/b/a Savers only and is applicable only to the 222A East Main Street location.
3. There will be no exterior storage, display or sales of merchandise, other than a recycle trailer, a cloth delivery trailer with items waiting to be processed, and a local trailer from one of Savers' charitable partners delivering merchandise to the store. No more than three such trailers and trucks shall be parked at the loading dock area in the rear of the building at any one time, and no such trailers or trucks shall be parked on any other side of the building at any time.
4. Donations shall take place only during the hours of operation which shall be 9:00 A.M. to 9:30 P.M. Monday through Saturday and 10:00 A.M. to 7:00 P.M. on Sundays, and during the month of October from 9:00 A.M. to 10:00 P.M. Monday through Saturday and 10:00 A.M. to 10:00 P.M. on Sundays.
5. No Savers' donation boxes shall be permitted outside of the building.
6. No scrolling or rotating message signs shall be permitted as part of Savers' signage plans.
7. Glue boards shall be installed at locations within the business premises satisfactory to the Marlborough Board of Health and Savers, and a monthly monitoring program shall be implemented consisting of a logbook for said glue boards satisfactory to the Board of Health.
8. This license shall be subject to revocation or suspension for noncompliance of the above conditions or other applicable local ordinances or state laws.
9. The waivers granted as part of this license shall no longer be applicable should Savers commence paying the general public for merchandise delivered without first obtaining the review and approval of the City Council.

Waivers

1. The waiver of Section 377-4 of the Ordinance as requested by Savers is not granted because Section 377-4 is not applicable to Savers' operations.
2. The waiver of Section 377-5 of the Ordinance is granted with respect to the last sentence thereof requiring the City Clerk to keep a list of persons employed by Savers. All other provisions of Section 377-5, other than the duty of the City Clerk to keep a record of the name and residence of each dealer, are not applicable to Savers.
3. The provisions of Sections 377-6, 377-7 and 377-9 of the Ordinance are waived in their entirety

Motion by Councilor Landers, seconded by the Chair to adopt the following:

ORDERED: That the Application for renewal of Junk Dealer/Secondhand Dealer License from ecoATM, LLC, 601 Donald J. Lynch Boulevard, **APPROVED**; adopted.

Motion by Councilor Doucette, seconded by the Chair to adopt the following:

ORDERED: That the Minutes of following Boards, Commissions and Committees, **FILE**; adopted.

- a) School Committee, April 12, 2022 & April 26, 2022.
- b) Conservation Commission, April 7, 2022.
- c) Planning Board, March 28, 2022 & April 11, 2022.

Motion by Councilor Doucette, seconded by the Chair to adopt the following:

ORDERED: That the following CLAIMS, referred to the **LEGAL DEPARTMENT**; adopted.

- a) Joanna Gilantzis, 234 Lovell Street, Worcester, other property damage and/or personal injury.
- b) Chris Horman, 179 Helen Drive, other property damage and/or personal injury.
- c) David Kelber, 61 Burns Road, pothole or other road defect.
- d) Scott Richards, 8 Gagas Lane, residential mailbox claim (2a).
- e) Robert Cavalcanti, 359 Littlefield Lane, other property damage and/or personal injury.

Reports of Committees:

**City Council Finance Committee
May 16, 2022
Minutes and Report**

This meeting convened at 6:30 PM and was held in the City Council Chamber and open to the public. The meeting was televised on WMCT-TV (Comcast Channel 8 or Verizon/Fios Channel 34) and was available for viewing using the link under the Meeting Videos tab on the city's website, home page (www.marlborough-ma.gov).

Voting Members: Chair Irish, Councilors Dumais, Perlman, and Brown; (Oram absent).

Non-Voting Members: Councilors Ossing, Wagner, Doucette, and Robey.

Others Present: DPW Commissioner Divoll, City Auditor Smith, Finance Director Jones and BOH Director Garside were present to address the following Orders.

Order No. 22-1008591: Proposed Tax Increment Financing (TIF) Agreement with Solmetex, LLC and LPCH 1000 Nickerson L.P., who will be occupying 65,000 s.f. in a building located at 1000 Nickerson Drive, Map 88, Parcel 29, and Parcel 36 including portions thereof. Chair Irish reported the city was informed the petitioner has withdrawn the proposed TIF Agreement and he would entertain a motion to file.

On a motion by Councilor Perlman, seconded by Chair Irish, the committee recommended the proposed TIF Agreement be filed as petitioner has withdrawn the application. Vote 4-0 (Oram absent).

Reports of Committee Continued:

Order No. 22-1008583: Proposed Amendment to the City Code Chapter 125, §6, “Salary Schedule” to amend the salary of the Sealer of Weights and Measures.

This is to include an hourly rate Not to Exceed \$25.00 Per Hour. Board of Health Director Garside stated a salary survey has proven the Sealer is underpaid for the 19-hour per week position.

On a motion by Councilor Dumais, seconded by Chair Irish, the committee recommended approval of the amended salary ordinance to increase the Sealer of Weights and Measures to include an hourly rate Not to Exceed \$25.00 Per Hour. Vote 4-0 (Oram absent).

Order No. 22-1008579: Transfer Request in the amount of \$698,083.18 for the Department of Public Works which moves funds from various accounts to Electricity (\$652,083.18) to cover the cost of higher usage during COVID-19 and Overtime (\$46,000.00) to cover costs in overtime due to hydrant flushing and water main breaks.

DPW Commissioner Divoll addressed the electricity fund shortfall, explaining the city pays electricity costs for both the city and schools. Councilor Ossing stated the city is in a good position financially to cover the shortfall. He asked the committee to add language to the motion to approve the transfer and provided the language.

On a motion by Councilor Perlman, seconded by Chair Irish, the committee recommended approval of the Transfer, (Order No. 22-1008579), under a suspension of the rules on May 23, 2022, contingent upon the Mayor’s approval of the transfer of the Phase 1 Green District mitigation funds in the amount of \$1,422,500.00 from Undesignated Funds into the West Side Fire Station Stabilization Fund (Order No. 22-1008526A) Vote 4-0 (Oram Absent).

Motion made and seconded to adjourn; the meeting adjourned at 7:16 PM.

Councilor Dumais reported the following out of the Personnel Committee:

**City Council Personnel Committee
May 16, 2022
Minutes and Report**

This meeting convened at 6:15 PM in the City Council Chamber and was open to the public. The meeting was televised on WMCT-TV (Comcast Channel 8) or Verizon/Fios Channel 34) and available for viewing using the link under the Meeting Videos tab on the city’s website, home page (www.marlborough-ma.gov).

Voting members Present: Chair Dumais and Councilor Doucette (Councilor Navin absent).

Also Present: Councilors Wagner; Perlman, Robey, Brown, Irish and Ossing.

Order No. 22-1008582A: Reappointment of Joseph Bisol to the Council on Aging for term of four years to expire on May 4, 2026.

On a motion by Councilor Doucette, seconded by Chair Dumais, the committee voted to recommend approval of the reappointment of Joseph Bisol to the Council on Aging for a term of four years to expire on May 4, 2026. Vote 2-0 (Navin Absent).

Reports of Committee Continued:

Order No. 22-1008582B: Appointment of Zella Haesche to the Council on Aging for a term of four years to expire on May 4, 2026.

On a motion by Councilor Doucette, seconded by Chair Dumais, the committee voted to recommend approval of the appointment of Zella Haesche to the Council on Aging for a term of four years to expire on May 4, 2026. Vote 2-00 (Navin Absent).

On a motion to adjourn by Councilor Doucette, seconded by Chair, all in favor, the meeting adjourned at 6:28 PM.

Councilor Irish reported the following out of the Public Services Committee:

**City Council Public Services Committee
May 16, 2022
Minutes and Report**

This meeting convened at 7:20 PM in the City Council Chamber and was open to the public. The meeting was televised on WMCT-TV (Comcast Channel 8 or Verizon/Fios Channel 34) and available for viewing using the link under the Meeting Videos tab on the city's website, home page (www.marlborough-ma.gov).

Voting members: Acting Chair Irish and Councilor Brown; (Chair Landers was absent).
Other Councilors present: Councilors Ossing, Wagner, Doucette, Dumais and Robey.

Order No. 22-1008554: Petition from Mass Electric to relocate and install a new pole to remove a tree guy on AMORY ROAD.

Comment from City Engineer DiPersio: Regarding Order 22-1008554: Petition of Massachusetts Electric to relocate and install a new pole to remove a tree guy on Amory Road, I offer the following:

- The new pole P4 shall be located at least 5 feet from the edge of the driveway to #61 Amory Road.
- National Grid and their contractor shall walk the job area with a representative of DPW/Engineering prior to start of work to review and approve of final location of the new pole.
- A Street Opening Permit is required from DPW/Engineering, which will outline pavement repair limits and specifications, if applicable.
- The standard road permit conditions shall also apply.

On a motion by Councilor Brown, seconded by Acting Chair Irish, the committee voted to recommend approval of the petition by Mass Electric to relocate and install a new pole to remove a guy wire on Amory Road subject to the conditions submitted by City Engineer DiPersio. Vote 2-0 (Landers absent).

Order No. 22-1008586: Petition from Mass Electric and Verizon New England to install a new pole and remove the old pole and install underground cable for city work around the pump station on CULLINANE DRIVE.

Reports of Committee Continued:

Comment from City Engineer DiPersio: Regarding Order 22-1008586: Petition of Massachusetts Electric and Verizon New England to install a new pole and remove the old pole and install underground cable for city work around the pump station on Cullinane Drive, I offer the following:

- This work is necessary for the City's pump station rehabilitation project, to accommodate the location of the new equipment.
- National Grid and their contractor shall coordinate the work with the DPW/Engineering pump station project managers.
- The attached standard conditions shall also apply.

On a motion by Councilor Brown, seconded by Acting Chair Irish, the committee voted to recommend approval of the petition from Mass Electric and Verizon New England to install a new pole and remove the old pole and install underground cable for city work around the pump station on Cullinane Drive subject to the conditions submitted by City Engineer DiPersio. Vote 2-0 (Landers absent).

Order No. 22-1008587: Application for Taxi/Livery License from Nathan Sebuliba d/b/a Indelible Homecare, Inc., to operate a Livery Service with one vehicle at 97 Neil Street.

Remains in committee. Applicant did not appear.

Order No. 22-1008558: Petition of New Cingular Wireless, PCS, LLC, (d/b/a AT&T) for grant of location for one (1) small cell wireless facility to be located on an existing pole within the public right of way in the vicinity of 241 Forest Street. HEARING HELD ON APRIL 25, 2022 /EXP. 6/28/22

Comment from City Engineer DiPersio: Regarding the Petition of New Cingular Wireless, PCS, LLC (d/b/a AT&T) for a grant of location for one small cell wireless facility to be located on existing pole within the public right of way in the vicinity of 241 Forest Street. I have reviewed the proposed application and draft decision, and offer the following for your consideration:

- The application indicates that the proposed equipment will be installed at a height of 11 feet above ground level as required by the Ordinance.
- The application indicates that the antenna is to be mounted on an existing pole that is 38 feet six inches tall, with the antenna extending to a total height of 41 feet six inches. This is higher than the 35-foot maximum in accordance with the Ordinance. The Committee has dealt with this issue on previous petitions for similar antenna that were installed on existing poles of greater than 35 feet in height. I defer to the Committee's decision on this but from an engineering standpoint I do not have an issue with allowing the equipment as proposed at this height at this particular location.

Atty. Michael Dolan was present to address the petition with the committee and other councilors present. There were no questions regarding the draft decision submitted by Attorney Dolan on behalf of ATT. Replying to inquiries, Atty. Dolan stated that the facility is exclusive to ATT customers and that the normal turnaround for installation of the facility is 2-3 months. Councilor Dumais expressed concern regarding the impact of installation on the nearby AMSA School to which Atty. Dolan advised the installation of the facility could be coordinated with the start of the summer recess and he would so notify the company.

Reports of Committee Continued:

On a motion by Councilor Brown, seconded by Acting Chair Irish, the committee voted to recommend approval of the petition. Vote 2-0 Landers absent.

Order No.22-1008570: Application for Special Permit from Cellco Partnership d/b/a Verizon Wireless to install a new stealth Wireless Communication Facility including an 80-foot stealth pole with accessory ground equipment at 739-769 Donald J. Lynch Boulevard (PUBLIC HEARING HELD ON MAY 9, 2022.)

Carl Gehring addressed the special permit application on behalf of Verizon, submitting a picture of both the stealth pole and a standard monopole to illustrate the stark difference in height. He confirmed there was agreement from Verizon to the request of the Fire Department to reserve space for the City of Marlborough public safety antenna and a 6'x 6' pad to be located within the enclosure for communications equipment. The Site Plan Review Committee by email dated May 12, 2022, at 3:04 PM provided comment to the Public Services Committee and suggested the public safety antenna installation be added to the draft decision as a condition for the City Council to consider. Site Plan members did not have an opinion on the color of the pole indicating the City Council should render a decision on the ultimate color of the pole. After discussion, the color Delorean Gray was suggested by Councilor Doucette. Chair Irish read the conditions; there were no objections or concerns. Petitioner agreed to submit a condition regarding the availability of space for public safety equipment.

On a motion by Councilor Brown, seconded by Acting Chair Irish, the committee voted to recommend approval of the Special Permit, together with the draft decision as amended to include the public safety equipment, suggest the color of the stealth pole to be Delorean Gray, and to Suspend the Rules on May 23, 2022 to refer the matter to the City Solicitor to be drawn in proper form for placement on the City Council's June 6, 2022 agenda. Vote 2-0 (Landers absent).

On a motion by Councilor Brown, seconded by the Acting Chair, all in favor, the meeting adjourned at 7:54 PM.

Suspension of the Rules requested – granted.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: That the Transfer Request in the amount of \$698,083.18 for the Department of Public Works, which moves funds from various accounts to Electricity (\$652,083.18) to cover the cost of higher usage during COVID-19 and Overtime (\$46,000.00) to cover costs in overtime due to hydrant flushing and water main breaks, **APPROVED;** adopted.

	CITY OF MARLBOROUGH										
	BUDGET TRANSFERS --										
	DEPT:	Department of Public Works/Public Facilities					FISCAL YEAR:	2022			
		FROM ACCOUNT:					TO ACCOUNT:				
Available										Available	
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		Balance	
\$38,000	\$38,000.00	14003006	52920	Rubbish Collection	\$203,172.10	13032006	52120	Electricity		\$5,418	
	Reason:	Available funds from Credit					Due to increased energy usage as a result of Covid-19				
\$82,633	\$82,000.00	14003006	52925	Curbside Recycling							
	Reason:	Available funds from Credit and Grant									
\$48,122	\$13,700.00	14001101	50660	Assistant City Engineer							
	Reason:	Excess due to prior vacancy									
\$36,922	\$36,922.10	14001101	50700	Senior Engineering Aide							
	Reason:	Excess due to vacancy									
\$68,002	\$24,550.00	14001101	50710	Junior Civil Engineer							
	Reason:	Excess due to vacancy									
\$8,000	\$8,000.00	14001103	51240	Temporary Part-Time							
	Reason:	Excess due to vacancy									
	\$203,172.10	Total			\$203,172.10	Total					

	CITY OF MARLBOROUGH										
	BUDGET TRANSFERS --										
	DEPT:	Department of Public Works/Public Facilities					FISCAL YEAR:	2022			
		FROM ACCOUNT:					TO ACCOUNT:				
Available										Available	
Balance	Amount	Org Code	Object	Account Description:		Amount	Org Code	Object	Account Description:		Balance
\$6,000	\$6,000.00	14001303	51240	Temporary Part-Time		\$82,350.00	13032006	52120	Electricity		\$5,418
	Reason:	Excess due to no part time help used					Due to increased energy usage as a result of Covid-19				
\$55,416	\$20,150.00	14001403	50745	Equipment Operator							
	Reason:	Excess due to prior vacancy									
\$212,314	\$44,200.00	14001503	50740	Equipment Operator							
	Reason:	Excess due to vacancy									
\$24,602	\$7,000.00	14001503	51240	Temporary Part-Time							
	Reason:	Excess due to less summer help in summer 2021									
\$5,000	\$5,000.00	14003003	51470	Interim Foreman							
	Reason:	Excess due to vacancy at East Plant SMEO									
	\$82,350.00	Total				\$82,350.00	Total				

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
DEPT:		Department of Public Works/Public Facilities				FISCAL YEAR:		2022		
		FROM ACCOUNT:						TO ACCOUNT:		
Available										Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		Balance
\$16,289	\$16,289.40	60081001	50750	Equipment Operator	\$39,416.08	13032006	52120	Electricity		\$5,418
	Reason:	Excess due to vacancy				Due to increased energy usage as a result of Covid-19				
\$13,018	\$2,500.00	60085001	50750	Equipment Operator						
	Reason:	Excess due to vacancy								
\$71,872	\$14,000.00	60085001	50850	Treatment Plant Op						
	Reason:	Excess due to prior vacancy								
\$6,626	\$6,626.68	11920001	50291	Asst. Comm of Utilities						
	Reason:	Excess due to vacancy								
	\$39,416.08	Total			\$39,416.08	Total				

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
	DEPT:	Department of Public Works/Public Facilities				FISCAL YEAR:		2022	
		FROM ACCOUNT:				TO ACCOUNT:			
Available									Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance
\$65,523	\$35,350.00	11920003	50560	Custodian	\$10,350.00	13032006	52120	Electricity	\$5,418
	Reason:	Excess due to vacancy				Due to increased energy usage as a result of Covid-19			
					\$25,000.00	61090003	51310	Overtime	\$16,871
	Reason:					Due to water main breaks and hydrant flushing			
\$37,795	\$37,795.00	13032001	50291	Asst. Comm of Utilities	\$21,000.00	61090003	51310	Overtime	\$16,871
	Reason:	Excess due to vacancy				Due to water main breaks and hydrant flushing			
					\$16,795.00	13032006	52120	Electricity	\$5,418
	Reason:					Due to increased energy usage as a result of Covid-19			
	\$73,145.00	Total			\$73,145.00	Total			

	CITY OF MARLBOROUGH										
	BUDGET TRANSFERS --										
	DEPT:	Department of Public Works/Public Facilities					FISCAL YEAR:	2022			
		FROM ACCOUNT:					TO ACCOUNT:				
Available										Available	
Balance	Amount	Org Code	Object	Account Description:		Amount	Org Code	Object	Account Description:		Balance
\$76,113	\$50,000.00	11970006	51730	City Unemployment		\$300,000.00	13032006	52120	Electricity		\$5,418
	Reason:	Reduced claims					Due to increased energy usage as a result of Covid-19				
\$266,979	\$250,000.00	13100003	51730	School Unemployment							
	Reason:	Reduced claims									
	\$300,000.00	Total				\$300,000.00	Total				

Suspension of the Rules requested – granted.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: That the Petition of New Cingular Wireless, PCS, LLC (d/b/a AT&T) for a grant of location for one (1) small cell wireless facility to be located on an existing pole within the public right of way in the vicinity of 241 Forest Street, referred to the **CITY SOLICITOR TO BE PLACED IN PROPER LEGAL FORM FOR THE JUNE 6, 2022, COUNCIL MEETING**; adopted.

Suspension of the Rules requested – granted.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED That the Application for a Special Permit and Site Plan Approval from Cellco Partnership d/b/a Verizon Wireless to install a new stealth Wireless Communication Facility, including an 80-foot stealth pole with accessory ground equipment at 739-769 Donald J. Lynch Boulevard, referred to the **CITY SOLICITOR TO BE PLACED IN PROPER LEGAL FORM FOR THE JUNE 6, 2022, COUNCIL MEETING**; adopted.

Motion by Councilor Doucette, seconded by the Chair to adopt the following:

ORDERED: That the Proposed Zoning Map Amendment for parcels of land located on Jefferson and a small portion of Lincoln Streets, identified as Map 56, Parcels 147, 148, 150, 151, 152, & 153 in addition to Map 56, Parcels 154, 155, 156, 157 & 158, be and is herewith referred to the **CITY SOLICITOR TO BE PLACED IN PROPER LEGAL FORM FOR THE JUNE 6, 2022, COUNCIL MEETING**; adopted.

Councilor Dumais Recused.

Motion by Councilor Doucette, seconded by the Chair to adopt the following:

ORDERED That the Fiscal Year 2023 Budget as submitted by Mayor Vigeant in the amount of \$181,260,899.00 which represents a 4.18% increase over the Fiscal Year 2022 appropriation be further modified at the request of the Mayor to increase the total Fiscal Year 2023 Appropriation to \$181,309,899.00 by adding \$49,000.00 to the following account:

Department	Account # Description	Increase
1410 Assessor	50770 Senior Clerk	\$49,000.00

It is further Ordered that the Fiscal Year 2023 Operating Budget in the amount of \$181,309,899.00 as proposed by Mayor Vigeant, be further modified by REDUCING the following accounts:

Department	Account # Description	Reduction
1410 Assessor	53180 Prof & Tech Services	(\$50,000.00)
1410 Assessor	50520 Principal Clerk	(\$51,300.00)
1520 Human Resources	50775 Admin Assistant	(\$5,500.00)
1920 Property & Building Maintenance	52120 Electricity	(\$100,000.00)
1990 Other Government	57820 Reserve for Salaries	(\$200,000.00)
3032 Maintenance Schools	52120 Electricity	(\$100,000.00)
9300 Capital Projects	58595 City Hall Equipment	(\$300,000.00)
TOTAL REDUCTION		(\$806,800.00)

Therefore, the City Council of the City of Marlborough **APPROVES** a Fiscal Year 2023 Operating Budget for the City in the amount of **\$180,503,099.00**, which represents a 3.7% increase from the Fiscal Year 2022 appropriation or an increase of \$6,519,735.00, **APPROVED**; adopted.

President Ossing called a recess at 8:42 PM and returned to open meeting at 8:44 PM.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: That the City Council hereby clarifies for the record that there is only one transfer in the amount of \$5,092,666.66 from the Undesignated Fund to Land Acquisition associated with Order No. 21/22-1008402A and Order No. 21/22-1008402B, **APPROVED**; adopted.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: That the City Council hereby **OVERRIDES** by two thirds vote, pursuant to Section 55 of Division 1 of the City Charter the Mayor's veto of Council Order 21/22-1008402A-2, as set forth in the Mayor's letter dated April 21, 2022 (copy attached hereto), relative to the Proposed Order to authorize the Mayor to acquire the real property located at 100 Locke Drive (Map 54 Parcel 14) for municipal purposes, by purchase or eminent domain for a total amount not to exceed \$5,092,666.66; adopted.

**President Ossing declared that this matter passed by a vote of 10-0.
(Councilor Robey absent).**

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: That the City Council hereby **OVERRIDES** by two thirds vote, pursuant to Section 55 of Division 1 of the City Charter the Mayor's veto of Council Order 21/22-1008402B-3, as set forth in the Mayor's letter dated April 21, 2022 (copy attached hereto), relative to the Transfer Request in the amount of \$5,092,666.66 from the Undesignated Fund (Account 10000 35900) to Land Acquisition (Account 19300006 58120) to fund the acquisition of the real property located at 100 Locke Drive (Map 54 Parcel 14) for municipal purposes, by purchase or eminent domain; adopted.

**President Ossing declared that this matter passed by a vote of 10-0.
(Councilor Robey absent).**

Motion by Councilor Dumais, seconded by the Chair to adopt the following:

ORDERED There being no further business, the regular meeting of the City Council is herewith adjourned at 8:47 PM; adopted.